

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

LAWRENCE E. WHITE,

Petitioner,

VS .

TONY PARKER,

Respondent.

No. 06-2326-B/P

ORDER OF DISMISSAL

Petitioner Lawrence E. White, Tennessee Department of Correction prisoner number 257985, an inmate at the West Tennessee State Penitentiary in Henning, Tennessee, filed a pro se petition pursuant to 28 U.S.C. § 2241 on May 26, 2006. The Court issued an order on June 6, 2006 directing White, within thirty days, to file an in forma pauperis affidavit or pay the habeas filing fee. On June 30, 2006, White filed a response to that order that included an in forma pauperis application and a copy of his trust fund account statement. The trust fund account statement indicates that, as of May 30, 2006, four days after the commencement of this action, the balance in White's inmate trust fund account was \$300.53. Accordingly, the Court issued an order on July 20, 2006 that denied leave to proceed in forma pauperis and directed White

to remit the habeas filing fee within thirty days. White has not complied with, or otherwise responded to, that order, and the time for compliance has expired.

The July 20, 2006 order provided, in pertinent part, that "[f]ailure to timely comply with any requirement of this order will result in dismissal of the petition without further notice for failure to prosecute." 07/20/06 Order at 2. Accordingly, the Court DISMISSES the petition without prejudice, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute.

IT IS SO ORDERED this 31st day of August, 2006.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE